

Application/Control Number 10/092,074 Maginas
Mail date 11/30/2005 --- Petition that Second Office Action dated 9/2/2005 Should Not Be Final

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In the United States Patent and Trademark Office

Appn. Number: 10/092,074
Appn. Filed: 03/06/2002
Applicant: Stephen P. Maginas
Title: Device and Method for Repetitive Communication of Messages
Examiner: Stella L. Woo
Art Unit: 2643
Mailed: 2005 November 30, Wednesday
At: Rock Island, Illinois

**Petition That Second Office Action Should Not be Final
37 CFR 1.181**

RE: Second Office Action Mailed 9/2/2005

Commissioner for Patents
Attn.: Group Director Mark R. Powell
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Mr. Powell:

In the above application, applicant respectfully petitions that the Second Office Action indicated above should not be Final. Applicant submits that the response to the First Office Action did not necessitate new grounds of rejection as put forth by Examiner at para. 4 and 5 of the Second Office Action, for reasons indicated below.

Very Respectfully,

Stephen P. Maginas
3404 25th Street
Rock Island, IL 61201
309-794-6570
Cell: 309-235-9616

Certificate of Mailing: I certify that on the date below this correspondence and referenced attachments, if any, will be deposited with the U.S. Postal Service as first class mail in an envelope addressed to "COMMISSIONER FOR PATENTS, P. O. BOX 1450, ALEXANDRIA, VA, 22313-1450."

2005 November 30

Stephen P. Maginas, Applicant



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Paragraph 5 of the Second Office Action stated that Applicant's amendment in the First Office Action necessitated the new ground(s) of rejection and thus the action was made final.

Attached is a printout indicating the amendments made to the claims in Applicant's response to the First Office Action. Words added in that response are underlined. The origin or support for the amendments in the specifications and claims of the original Application is shown below:

- The added words in Claim 21(d) are identical to the previous Claim 5.
- The added words in Claim 22 replaced the words "use of" with "execution of commands of machine readable data upon or within" and merely expanded on the meaning of "use" of the invention.
- The added words in the preamble to Claim 26, following the word "whereby", indicated a function well-described in Applicant's specification at paragraphs 0050 and 0052.
- The added words in Claim 31 replaced the pierced aperture with a broader limitation allowing attachment of the invention to another object.

No new matter is included in those amended claims. No prior art was cited in Applicant's response to the First Office Action that was not either in the Information Disclosure Statement or raised by the Examiner.

Moreover, the Second Office Action addresses the subject matter of the amended claims only in discussion of Claim 31, regarding the attachment of the invention to other objects. The majority of the Second Office Action addresses issues as developed in the original application. The Examiner had the opportunity to present the patents of Ota and Taskett and associated grounds of rejection in the First Office Action but failed to do so.

For those reasons, it is respectfully submitted that the Second Office Action should not be Final but that Examiner should provide a response to the Applicant's Response to Second Office Action, which is mailed on this date.

Very Respectfully,

A handwritten signature in cursive script, appearing to read "Stephen P. Maginas".

Stephen P. Maginas

3404 25th Street

Rock Island, IL 61201

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Claims: Please cancel all claims of record, without prejudice or disclaimer, and substitute new claims 21 to 31 as follows:

21) A communication apparatus for transmission of a message, disposed therein
5 or thereupon, to recipients other than the user, comprising:

a) a substrate;

b) machine readable data disposed upon or within said substrate comprising
10 commands directing a communication device to transmit said message, and
additional machine readable commands and additional data disposed upon said
substrate, to said recipients;

c) human readable data disposed upon or within said substrate, fully disclosing at
15 least said message in a form readily interpretable and reproducible by the
unaided human; and

d) additional human readable data, disposed upon or within said substrate, that
comprises full disclosure of all said machine readable data upon or within said
20 substrate.

22) The communication apparatus of claim 21 wherein or whereupon is situated
additional human readable data that comprises directions for execution of
commands of machine readable data upon or within said communication
25 apparatus.

23) The communication apparatus of Claim 22 wherein or whereupon is situated
additional human readable data comprising disclosure of international or
common standards that are indicia of the mode of the functions of said machine

readable data.

24) The communication apparatus of Claim 23 wherein said human readable data is denominated, by additional human readable data, as comprising full
5 disclosure of all said machine readable data upon or within said substrate.

25) The communication apparatus of claim 24 wherein said machine readable data comprises means for reconfiguring standard point of sale credit or debit card reading devices, upon input of said machine readable data, such that said
10 devices transmit at least a portion of said machine readable data to a plurality of cardmakers, their agents or other intended recipients, all of which said recipients are persons other than the user of said communication apparatus.

26) A communication apparatus whereby a plurality of facsimilies may be made
15 as duplicates of human readable data and thereby function as disclosed machine readable data, comprising:

- a) a card-like substrate;
- 20 b) machine readable data disposed upon or within said substrate;
- c) human readable data, disposed upon or within said substrate, and fully disclosing at least said machine readable data;
- 25 d) software and command data means for directing electronic and mechanical devices to transmit at least a portion of said machine readable data;
- e) additional human readable data disposed upon or within said substrate and comprising directions for use of said communication apparatus; and

f) additional human readable data disposed upon said substrate and denominating other human readable data on said substrate as a full disclosure of said machine readable data.

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27) The communication apparatus of claim 26 wherein entry of said machine readable data into a plurality of devices transmits at least a portion of said machine readable data to intended recipients other than the user of said communication apparatus.

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28) The communication apparatus of claim 27 wherein said substrate is card-shaped and wallet sized.

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29) The communication apparatus of claim 28 wherein said machine readable data comprises means for reconfiguring electronic and mechanical devices to transmit data revealing the location of said telecommunication device to said recipients .

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30) The communication apparatus of claim 29 wherein is disposed in additional human readable data the identity of a person other than the user, who is at least one intended recipient of said machine readable data to be transmitted upon use of said communication apparatus.

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31) The communication apparatus of claim 30 to which said communication apparatus is affixed means for attaching said apparatus to another object.